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## Appeal Decision

Inquiry held on 13 -16 and 20 June 2017

Site visit made on 21 June 2017

**by Phillip J G Ware BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 August 2017**

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**Appeal Ref: APP/F2605/W/16/3154813**

**Land south of Mallard Road, Watton, Norfolk**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mark Dakeyne, Janet Strickland-Miller, Nicholas Rickett and Tesni Properties Ltd against the decision of Breckland District Council.
  - The application Ref 3PL/2015/0254/O, dated 23 February 2015, was refused by notice dated 28 April 2016.
  - The development proposed is an outline proposal for up to 177 dwellings.
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### Procedural matter

1. The application was made in outline, with only access to be determined at this stage along with the principle of the development. I have dealt with the appeal accordingly.

### Decision

2. The appeal is allowed and outline planning permission is granted for up to 177 dwellings on land south of Mallard Road, Watton, Norfolk in accordance with the terms of the application, Ref 3PL/2015/0254/O, dated 23 February 2015, subject to the conditions set out in the Annex to this decision.

### Application for costs

3. At the Inquiry an application for partial costs was made by Mark Dakeyne, Janet Strickland-Miller, Nicholas Rickett and Tesni Properties Ltd against Breckland District Council. This application is the subject of a separate Decision.

### Main issues

4. There are three main issues in this case:
  - Whether the proposal would harm the settlement pattern of the area, in the light of the provisions of the development plan
  - Whether the proposal would harm the character and appearance of the area
  - Whether the proposal would adversely affect the integrity of the Breckland Special Protection Area (SPA) with particular regard to stone curlews

## Reasons

### *The site and the proposal*

5. The appeal site is around 8.44 hectares of land, which is not currently in agricultural use and is largely scrubland. It is not defined as Best and Most Versatile Agricultural Land. There are no public footpaths on the site, but there is clear evidence that it is regularly walked, as I saw on my visit.
6. The site is located immediately to the south of the built up area of Watton<sup>1</sup>. The main parties agree that it is surrounded on three sides by the existing built up area<sup>2</sup>, although there is a disagreement as to whether it comprises an 'infill' site. The southern boundary abuts open agricultural fields.
7. The access to the development would be by way of Mallard Road and Woodpecker Drive, which are part of a residential estate just to the north of the site. From these roads access can be gained to Brandon Road and thence to the High Street and the centre of Watton. The illustrative plans show a looped arrangement within the site using Mallard Road and Woodpecker Drive as the access points.
8. The Breckland Special Protection Area (SPA) is about 1,300 metres away to the southwest at its nearest point.
9. The indicative proposal shows 177 dwellings in a mix of market and affordable housing<sup>3</sup>, with 40% affordable provision in line with adopted policy. The proposal equates to around 21 dwellings per hectare, which the parties agree reflects the character of the surrounding area. The illustrative plans show open space (c.1 hectare) and a Locally Equipped Area for Play. This open space provision is agreed to be in excess of the requirements of adopted policy.

### *The development plan context*

10. The relevant parts of the development plan comprise the Breckland Core Strategy and Development Control Policies (2009) (CS)<sup>4</sup> and the Site Specific Policies and Proposals DPD (2012) (SSPP)<sup>5</sup>. Both these parts of the development plan predate the National Planning Policy Framework (the Framework) and were formulated in the context of the former East of England Plan. This focussed development on key centres, not including the area covered by Breckland Council, which was affected by a general policy of restraint.
11. CS policy SS1 identifies Watton as a Market Town, defined as having a good range of services for residents' day to day needs. It notes that the potential for expansion in the centre of the settlement is limited due to heritage constraints. The same policy sets a requirement for up to 900 homes in Watton to 2021.
12. CS policy CP10 states that development will only be permitted that would not affect the integrity of the Special Protection Area (SPA). It adopts a buffer zone approach which generally restricts development around the outside of the

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<sup>1</sup> Doc 15

<sup>2</sup> Doc 21 Paragraph 3.3 and site location plan

<sup>3</sup> Doc 21 Page 7

<sup>4</sup> CD D1

<sup>5</sup> CD D3

SPA, subject to certain exceptions - which I will discuss below. The appeal site is partly within the buffer zone.

13. CS policy CP11 seeks to protect the landscape for its intrinsic beauty. This is a matter also dealt with by CS policy DC1 which, although dealing mainly with the protection of amenity, also makes reference to the quality of the landscape or townscape.
14. The SSPP shows the appeal site as being immediately outside the southern settlement boundary of Watton. CS policy CP14 deals with sustainable communities and settlement boundaries, but there is a difference between the parties as to whether this policy applies to market towns such as Watton. I will return to this matter later.
15. The Council is preparing a new Local Plan (DLP). Consultation has taken place on options and preferred sites/settlement boundaries. Although this plan attracts little weight at this stage, it is notable that a number of growth scenarios have been set out. There is a common theme that additional housing sites need to be found in Breckland to deliver the necessary housing growth.
16. There are also four saved policies from an earlier Local Plan, but it is common ground that none of these are relevant to the appeal.
17. Statements of Common Ground have been agreed between the main parties. These cover general planning matters<sup>6</sup>, the stone curlew issue<sup>7</sup>, and housing matters<sup>8</sup>.

*The effect on the settlement pattern in the light of the development plan*

18. The concept of a settlement boundary goes back at least to the CS in 2009, which still provides underlying policies related to the approach. The settlement boundaries define in spatial form where the policies set out in the CS are to be applied. The last consideration of the boundary was in 2012 by way of the SSPP, which showed the appeal site outside but directly adjacent to the boundary of Watton.
19. There was some criticism of the age of the boundaries and more particularly the age of the policies on which they are based. However I consider these criticisms to be misplaced as the point of such a policy is that it is intended to be defensible in the long term, albeit that the boundaries themselves should be subject to review in the light of changing circumstances. This is currently happening in the context of the emerging DLP. But that does not negate the purpose of the policy approach itself.
20. There is a dispute between the parties as to what the settlement boundary policies in the CS actually mean. Both parties agree that CS policy DC2 applies and that it provides that, within settlement boundaries, new housing will be permitted. What is less clear is what it says about the approach to development outside the boundary. The Council's position is that, although the policy itself says nothing about development proposals outside the boundaries, the inference is that, outside the boundaries, it will not be permitted.

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<sup>6</sup> Doc 21

<sup>7</sup> CD I2

<sup>8</sup> Doc 11

21. Looking at the policy itself, DC2 says nothing about development outside settlement boundaries, and can reasonably be taken to be no more than a policy to encourage development within settlements. Even the reasoned justification does not suggest the approach to be adopted towards development outside the boundary. On that basis, the proposal is not contrary to the policy, but equally derives no support from it.
22. CS policy CP14 deals with sustainable rural communities and also addresses settlement boundaries, but in a slightly different and more detailed way. It provides that, amongst other matters, these boundaries will protect the form and character of settlements from inappropriate proposals. However the policy clearly refers to village and countryside communities, and the written justification quite specifically distinguishes these communities from market towns such as Watton. It is clear to me that this policy does not address the situation of a development on the edge of a market town, and that it is not relevant to the current appeal.
23. The position is that the proposal can derive no support from the settlement policies to which my attention has been drawn. Conversely, at the very highest, there could be an implication in CS policy DC2 which suggests a restriction on development outside the boundary. But even if that were the case, it is clear that the authority is looking at development on greenfield sites in the context of the emerging DLP due to the heritage constraints in the centre of the town, and has not identified any specific harm to the settlement (save related to the other issues below) if this development were to go ahead.
24. On that basis, the proposal would not harm the settlement pattern of the area, in the light of the provisions of the development plan.

*The effect on the character and appearance of the area*

25. The appeal site comprises a number of fields, not currently in agricultural use, on the edge of the built up area of Watton. The site and the surrounding area is generally flat, and is characterised by hedges and trees along field boundaries.
26. There is agreement between the main parties as to the relevance of the various assessments of landscape character, to which I return below, and the relevant viewpoints which I visited during my site visit. Before turning to the landscape assessment documents, I need to address the weight to be accorded to the relevant development plan policies.
27. CS policy DC1 is a general amenity policy which, amongst many other things, has regard to the quality of the landscape. The site is not subject to any formal landscape designation and it is agreed that it is not a valued landscape in the meaning of paragraph 109 of the Framework. However the impact of development on a non-designated landscape can still be a consideration. In this context policy DC1 is still relevant but does not take the position much further.
28. CS policy CP11 deals more specifically with the protection and enhancement of the landscape, and states that the landscape of the District will be protected for the sake of its own intrinsic beauty. This policy was formulated in a period before the publication of the Framework, when national policy was that the countryside should be protected for its own sake. That is no longer the case

and, in the light of Framework paragraph 215, I accord policy CP11 significantly reduced weight.

29. In any event, to the extent that policy CP11 carries weight, it specifically envisages that the release of land in Breckland will have regard to the findings of the Council's Landscape Character Assessment (2007) and the Settlement Fringe Landscape Assessment (2007), so as to ensure land is released, where appropriate, in areas where the impact on the landscape is at a minimum. It is to these documents, agreed by the parties to be the relevant assessments, to which I now turn.
30. The Council's Landscape Character Assessment includes the appeal site as being within the Watton Airfield Plateau, which lies to the south of Watton. The area has a low sensitivity to change due to a lack of sensitive features, the condition/quality of the landscape and the often harsh transition between the settlement edge and the rural landscape. In a similar vein the Council's Settlement Fringe Landscape Assessment describes the area around the appeal site as having no more than moderate quality and notes that the settlement edge is poorly integrated. From my site visit and the evidence at the Inquiry I entirely concur with these assessments, and I note that, as discussed and agreed at the Inquiry, this area is one of the least sensitive in landscape terms around Watton.
31. In addition to the Council's assessments, the appellants undertook a Landscape and Visual Impact Assessment. This included nine representative views which were assessed in some detail in the document and at the Inquiry.
32. I visited the relevant viewpoints after the Inquiry and I concur with the conclusion that the only locations where the change would be significant are those directly adjacent to the appeal site. The Council categorised the effect here as moderate to moderate/substantial. This is entirely to be expected, as the change from open fields to a housing development, albeit with landscaping and planting, will inevitably have an effect of this magnitude.
33. Further afield, the Council accepts that there are not many distant views and the consequent effect on the landscape would be limited. In this context there was discussion at the Inquiry concerning the effect of the development when viewed from the footpath set away to the southwest beyond Wick Farm. From what I saw on my visit, I am satisfied that only distant glimpses of the proposal, set against a backdrop of existing housing, would be seen from that location and that the landscape effect would be very limited.
34. There was discussion at the Inquiry as to whether this proposal could reasonably be described as an 'infill' development. Watton is a series of historic hamlets which appear to have coalesced over time, as demonstrated by a succession of historical maps. In this context I can understand the appellants' argument that this is an infill development. However I need not go further with this point as there is no policy significance to the term. What is important in landscape terms is that, as concluded in the Council officer's report, the proposal would be compatible with the existing pattern and character of surrounding development, and would effectively round off this part of the settlement.
35. The Council's studies and the appellants' evidence describe the edge of the settlement as being poorly integrated with abrupt boundaries. I saw this for

myself, and noted the way in which the existing housing stops suddenly at the appeal site. The current appeal is in outline, but the size of the site is such that there should be the potential for a more appropriate transition at the urban/rural interface. This would be a landscape benefit arising from the scheme.

36. Overall, the Council's own studies conclude that the area to the south of Watton has a low sensitivity to change. This accords with the appellants' evidence and with what I observed during my site visit. It is a truism that the proposed development would change the character and appearance of the countryside. But that would apply to any greenfield site, including those proposed in the emerging DLP, and would be an inevitable consequence of the authority striving to meet housing need. For this issue to weigh against the proposal a robust assessment of any specific harm is necessary, and this has not been provided.
37. Turning to the visual impact of the proposal, the position is similar. For those receptors living close to the site the impact would be considerable, and their outlook would change to a significant extent. However for other receptors, for example those using the footpath to the south, the impact would be very limited due to the distance and the way in which the proposal would be seen largely set against the existing properties. I give little weight to the impact on those using the informal paths on the appeal site itself, as this facility has no legal status and could be prevented at any time.
38. Overall, the proposal is located in an area where the Council's own studies indicate a low sensitivity to change and where landscape policy therefore suggests that development may be located. This coincides with the approach taken on this application by Council officers, and is in contrast with other sites being promoted by the authority in the context of the emerging DLP, where sites are being considered which fall into a higher landscape category.
39. In many respects, the difference in landscape and visual impact appraisal between the parties is one of professional judgement. Overall, the site is of low sensitivity and the magnitude of change to the character of the landscape and public views will be limited. Although there would be some slight harm to the character and appearance of the area and a limited conflict with the development plan in that respect, the extent of the harm does not weigh heavily in the balance.

*The effect on stone curlews (and other species)*

40. The appeal site comprises species-poor improved neutral grasslands, which has a generally low value in terms of botanical assemblage. The parties agree that the Extended Phase 1 Habitat Survey and the great crested newt survey, along with a desk study of the area, represent an accurate description of the site's ecological baseline. There are no ponds within the site, but it was agreed that there is a possibility of great crested newts being present. The illustrative Masterplan provides appropriate mitigation by way of a pond.
41. The site itself is not the subject of any statutory designation, and the nearest statutory site is the Wayland Wood Site of Special Scientific Interest (SSSI) about 1.2 kms away. The parties agree that the proposal would have no impact on this SSSI.



42. However the Breckland Special Protection Area (SPA) is about 1,300 metres away at its nearest point. It covers around 40,000 hectares and includes a number of constituent SSSIs, including Breckland Farmland. Part of the Breckland Farmland SSSI is part of the SPA closest to the appeal site, and it is agreed by the parties that the effect on the SSSI would be very similar to those on the SPA – on which I have focussed – as did all parties. Conservation Objectives have been published for the SPA (2014). The SPA supports populations of European importance of a number of species, particularly including the stone curlew. The Royal Society for the Protection of Birds (RSPB) has submitted a statement setting out the ecological value of the Brecks for stone curlews. There are estimated to be between 142 and 202 pairs in the area, representing around 55% - 76% of the British breeding population of stone curlew depending on the timeframe. These are very significant proportions.
43. There was some debate at the Inquiry regarding the overall positive trend, encompassing some significant dips, in the stone curlew population. This has led to the stone curlew being moved from the Red List to the Amber List of Birds of Conservation Concern in 2009 (reconfirmed in 2015). However there is still a clear and important need, not contested by any party, to protect the species and its breeding grounds. In that context, although Natural England has not issued supplementary advice in relation to the Breckland SPA, its advice in relation to another SPA (Porton Down) is of some relevance – this provides that favourable conservation status would be achieved if the population remained at or about the population at designation. I see no reason why the same approach should not, in principle, apply to Breckland.
44. The effect on stone curlews is undoubtedly an important matter and has been recognised as such for some time. The policy response has been, by way of CS policy CP10, to establish a 1,500 metre buffer zone from the edge of those parts of the SPA that support or are capable of supporting stone curlews. Around half of the appeal site is within the buffer zone. The Habitats Regulations Assessment (2016) for the emerging DLP continues the buffer zone approach. Within the zone, amongst other matters, permission may be granted for development completely masked from the SPA by existing development or if it is demonstrated by an Appropriate Assessment that the development will not adversely affect the integrity of the SPA. The evidence base to justify the buffer zone is not in contention in this case, and the latter exception is the issue in this appeal.
45. It is important to note that the policy requirement in CP10 means that proposals within the 1,500 metre buffer zone trigger a requirement for an Appropriate Assessment but, contrary to the suggestion put forward by some objectors, it does not automatically presume that permission should be refused. The approach in policy CP10 is in line with paragraphs 109 and 118 of the Framework which refer to the importance of the natural environment, the need to minimise impacts on biodiversity and the importance of SSSIs.
46. I therefore now turn to the evidence related to potential harm to the SPA. No specific stone curlew survey has been undertaken in relation to this appeal, and both main parties initially accepted the RSPB monitoring data, which has been used by the authority consistently for a period of time. I have no criticism of the lack of specific survey work or of the RSPB data – although it is not comprehensive and for reasons of confidentiality I have not seen the map

identifying the areas not surveyed. However the agreed conclusion of this data is that within a 1500 metre radius of the appeal site there have been four breeding pairs over a period in excess of 30 years, one sighting being uncertain. These breeding attempts were agreed to have taken place close to the SPA itself and well away from the appeal site. I understand the point raised by the RSPB related to cyclical habitats, but given the length of the time period involved, the evidence for this is weak. On this basis I can safely conclude that this part of the buffer zone has not been regularly used by breeding pairs.

47. The research reports supporting CS policy CP10 show a relationship between stone curlew nesting density and residential development. Later research sought to examine the relationship further, but was unable to demonstrate the exact mechanism or provide a clear link between breeding success and the level of disturbance. In addition the evidence of disturbance by dog walkers shows a very limited effect at around 700 metres, on which basis the proposed new residents, who would have to travel around 4 kms to reach the SPA, are unlikely to have any significant effect on the designated area. The survey work in this respect, albeit limited in scope and duration, suggests that most recreational users of the SPA do not come from Watton.
48. It is a self-evident but important point that the effect of new development on the integrity of the SPA is likely to be more noticeable in areas where there is little or no existing development, and this is reflected in the studies supporting the buffer zone approach. In this case there are around 400 existing houses within the buffer zone close to the appeal site, and the proposal, if not 'infill', would at least be partly enclosed by existing built development. There is a difference between the main parties as to definitions in this respect, but that does not take the matter much further as the proximity of existing development is clear whatever definition is adopted.
49. There was criticism by the Council and the RSPB of the shadow Habitat Regulations Assessment (HRA) prepared by the appellants. It was said, for the first time at the appeal stage, that it was based on incomplete survey data – although this was the same data which the authority itself has regularly used. It was also said that this shadow HRA was taken at face value and not critically assessed by the Council's own consultant and by Natural England. However, if that were the case, no reason was given to explain the Council's lack of action. In any event the evidence does not support this contention.
50. Overall I find the criticism of the appellants' work wholly unconvincing as the authority took outside professional advice and undertook their own assessment. This led to the conclusion that the proposal was not likely to harm the integrity of the SPA. In addition Natural England, who have responsibility for advising the government on biodiversity matters, considered the position in the light of the appellants' work and that of the Council's consultants – and concluded that the proposal was not likely to have a significant effect on the SPA. I find it telling that neither the Council nor its new advisors, retained by the authority after the decision to refuse planning permission, both of whom must have been aware of the importance of Natural England's advice, reverted to that body to discuss the position or highlight what the Council and its advisors apparently considered to be any weakness in Natural England's position.



51. Under the Habitats Regulations I have to be satisfied that no reasonable scientific doubt remains as to the absence of an adverse effect on the integrity of a European site. The CS and its 1,500 metre buffer zone were prepared in accordance with the Habitats Regulations and the precautionary principle, and this approach is being rolled forward into the emerging DLP.
52. Natural England's advice should only be rejected where there is clear and objective scientific evidence to contradict it. I do not find that to be the case in this instance.
53. I do not consider that there would be any reduction in the breeding population in the buffer zone, as there has not been such a population for many years. Were there to be an effect on the SPA caused by built development, which is uncertain, this would have already have occurred due to presence of existing development within this part of Watton. The additional development proposed by the appeal would be subsumed into the area of the SPA already affected by development.
54. For these reasons I find the proposal to be in accordance with SP policy CP10 and national policy. Under these circumstances the Conservation Objectives of the SPA would not be undermined and the integrity of the SPA would not be adversely affected.

*Other matters*

55. A Statement of Common Ground (Housing) was concluded during the Inquiry. A range of matters were agreed, including that the Central Norfolk Strategic Housing Market Assessment (2015) is the most up to date evidence on housing needs. This sets an Objectively Assessed Need for the period to 2036 of 14,313 units or 596 dwellings per annum. It is also agreed that Breckland District has a record of persistent undersupply, and that a 20% buffer should be applied in line with Framework paragraph 47. Accumulated shortfall, the contribution made by small sites and a windfall allowance were also all agreed.
56. There are two main areas of disagreement between the parties, most notably the extent of the supply and the use of the 'Sedgefield' method (the appellant's approach) or the 'Liverpool' method (the Council's approach), and the contribution which may be made from large sites and sustainable urban extensions. However the emerging DLP is still at an early stage and it would not be appropriate to make a judgement on any shortfall in the context of the limited evidence available at a s78 appeal – especially in the light of the position below.
57. The Council's 'best' position, using the Liverpool method and its assumptions regarding supply, is that it can demonstrate a 4.9 year supply. The appellants' 'worst' position, using the Sedgefield method and their own assumptions regarding supply, is 3.6 years.
58. As agreed by the parties, even if a 4.9 year supply exists the consequence of the shortfall is to demonstrate that current policies are failing to deliver a five year supply of housing in accordance with paragraph 47 of the Framework. Accordingly the operation of paragraph 49 triggers paragraph 14 of the Framework. However, in appeals such as this where Framework footnote 9 applies, there is no 'tilted balance'.

59. I appreciate that the Council's position is that the scale of the shortfall is minor and that, by way of the emerging DLP, sites are being identified to meet and exceed the OAN. However it would be wrong to regard the potential achievement of a five year supply as a cap on development in the context of a significant need for market and affordable housing. In an area which has experienced persistent under delivery of housing, the contribution which the appeal scheme would make is a matter which weighs significantly in favour of the proposal.
60. There was considerable concern from residents regarding the implications of using Mallard Road and Woodpecker Drive as the access roads into and out of the development. However these roads have 6 metre carriageways and 2 metre footways<sup>9</sup> and there is no convincing evidence that they would be unable to cope with the traffic generated by the development. The Transport Assessment<sup>10</sup> and the Travel Plan Framework<sup>11</sup> have assessed a range of highways matters and conclude that there is a significant capacity in the network and that the access arrangements are satisfactory. No personal injury accidents have been recorded at relevant junctions and the functioning of the roundabout onto Brandon Road has been assessed as satisfactory. I can appreciate residents' concerns over highway safety, but I have no evidence to counter the views of the appellants and the lack of objection from the highway authority.
61. I note some residents' concerns that employment and infrastructure in Watton has not kept pace with housing growth over recent years. However I have little evidence as to the way in which Watton has grown over the years, and nothing which persuades me that this matter weighs significantly against the proposal.
62. One resident expressed concern about the effect of the proposal on truffles which she and others have identified on the appeal site. However although the concern related to truffles was clearly set out, there was nothing to suggest any policy related to this matter or any planning reason why this matter should weigh against the proposal.
63. The illustrative plans generally show two storey dwellings, with a small element of three storey apartments in the central area. This was subject of considerable concern to some local residents, both in relation to the resulting townscape effect and the potential for overlooking to existing properties. However the proposal is in outline and, even if there were an issue in this respect, the matter could be addressed at the detailed stage.

#### *Conditions and the Planning Obligation*

64. A set of conditions was agreed between the parties in discussion at the Inquiry (with one exception to which I will return below). I have adopted these with slight amendments for clarity in line with Planning Practice Guidance.
65. As the proposal before me is in outline, a number of conditions need to be imposed to control the details, set out a phasing programme, and clarify the approved plans [1-8]. In addition to landscaping proposals, a condition is necessary to protect existing trees and hedges [21].

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<sup>9</sup> Doc 21 Paragraph 3.21

<sup>10</sup> CD F6

<sup>11</sup> CD F7

66. A desk based archaeological assessment has been undertaken. It is further necessary to require a written scheme of investigation and the undertaking of works prior to development on any phase [9].
67. In the light of my comments above, Reasonable Avoidance Methods need to be approved and implemented to prevent harm to amphibians and reptiles, including great crested newts [10]. In addition, mitigation methods and biodiversity enhancements need to be approved and implemented [20].
68. Surface water drainage and foul drainage needs to be agreed and implemented, so as to address flood risk and in the interests of health [11, 14].
69. Conditions are necessary to address potential contamination issues, and deal with any pollution which might be discovered during construction work [12, 13].
70. For highway safety reasons, details of all roads, access and parking arrangements need to be submitted for approval [15]. For the same reason, and in the interests of the amenity of local residents, a Construction Traffic Management Plan needs to be approved and implemented [16].
71. Details of improvements to be undertaken to the two nearest bus stops need to be approved and implemented, in the interests of improving sustainable transport options [17]. For the same reason, a Travel Plan needs to be submitted and implemented [18].
72. In the interests of public safety the number and locations of fire hydrants need to be approved and implemented [19].
73. Finally one condition [22] was put forward by the appellant alone. This would limit the number of dwellings in the detailed scheme to 177, as included in the application. This is necessary as this is the quantum of development which I have been considering. However the suggested condition would also tie the detailed layout substantially to the illustrative plan. I make no comment on the merits of this illustrative scheme, but I see no reason for restricting the development to one particular layout.
74. The Planning Obligation has been submitted as a Unilateral Undertaking, but the Council has been actively involved in its preparation. It addresses a number of issues, all of which are agreed in principle between the main parties. The only debate relates to a contribution sought by the NHS and to the percentage of affordable housing - I return to both below.
75. An education contribution related to infants and junior schools would be provided to accommodate pupils generated by the development. This is based on CS policy CP5 and more detail is provided in the County Council's Planning Obligations Standards document. The need for a library contribution towards the cost of an open library system at Watton Library is explained in the County Council's statements.
76. The Obligation provides for affordable housing at a 40% level, set in the context of evidence of affordability showing Norfolk to be worse than England and Wales as a proportion of the community. The 40% figure is based on CS policy DC4, which provides for this level on larger sites such as this. However the current SHMA, which is part of the evidence base for the emerging DLP, refers to around 32% affordable housing for the County as a whole (excluding

Kings Lynn and Yarmouth). Under these circumstances the Obligation provides the opportunity for me to find that the 40% is not CIL compliant and substitute a lower figure. However the SHMA figure has yet to be tested in current circumstances, including the Written Ministerial Statement dealing with small sites. For that reason I prefer to remain with the 40% figure as set out in the development plan.

77. Open space and a Locally Equipped Area for Play would be provided, above the requirements of CS policy DC11, which sets out the quantum of the amount to be provided. The Obligation also addresses a maintenance contribution.
78. The NHS has sought a contribution towards the provision of primary healthcare<sup>12</sup>. However neither the Council nor the appellants consider this to be CIL compliant as it relates to the provision of GPs rather than physical capacity. There is agreed to be a problem in attracting doctors to Watton. I concur with the main parties, and in accordance with Schedule 1 Clauses 3.1 and 3.2 of the Obligation I do not consider this element to be CIL compliant.
79. The educational provision is designed to mitigate the impact of the proposal and this element, though necessary, does not add weight in favour of the proposal. However the open space element and the provision of affordable housing weigh in favour of the appeal. I consider that the Obligation meets the policy in paragraph 204 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. I have therefore taken the relevant clauses into account.

#### *Planning balance and conclusion*

80. In terms of the economic role of sustainability, the proposal would contribute to building a strong competitive economy by providing a significant amount of construction jobs and future spend in the area by residents. This was calculated by the appellants to be of the order of £4.3m p.a. This was doubted by some residents, but it is clear that there would be a substantial increase in local and regional spending as a result of the development. I appreciate that some residents consider that housing development is out of step with infrastructure and other economic provision but, as mentioned above, I have not been provided with evidence to support that argument.
81. The social role of sustainability would be addressed by the provision of a significant amount of market and affordable housing, adjacent to a market town which is identified for growth. The main parties agree that the site is within walking and cycling distance of the town centre where there is a comprehensive range of services and facilities, and that it is well located for bus stops on Brandon Road to the north, from where there are services to Norwich, King's Lynn, Dereham and Thetford.
82. The environmental aspect largely turns on the effect on the Breckland SPA, which I have discussed above and in relation to which I have concluded that there would be no harm. The loss of open fields would have a limited harm to the landscape – as would any greenfield development – however this would be mitigated to an extent by the potential for an improved urban/rural interface, the retention and enhancement of trees and hedgerows, the creation of a pond as a habitat for great crested newts and the provision of recreational land. The

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<sup>12</sup> Set out particularly in a letter dated 17 October 2016

environmental benefits of the proposal outweigh the limited disbenefit arising from the principle of the development.

83. Overall, the proposal represents sustainable development in the context of the development plan accords with it as a whole. It also accords with the Framework, and the limited adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
84. For the reasons given above I conclude that the appeal should be allowed.

*P. J. G. Ware*

Inspector

## **Annex - Conditions**

### **Land south of Mallard Road, Watton, Norfolk**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place on individual phases and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 1 year from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place on any phase of development unless the plans and descriptions giving details of the reserved matters referred to above for the particular phase of development have been submitted to and approved by the local planning authority.
- 5) All applications for approval of reserved matters submitted pursuant to this outline permission relating to layout, appearance, scale and landscaping shall be accompanied by a statement explaining the design principles of the development proposed.
- 6) Prior to the first submission of any reserved matters application, a comprehensive layout and Phasing Programme shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved comprehensive layout plan and Phasing Programme.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans 01-91-001b and 01-02-001d (in relation to access only).
- 8) Access to the site shall be in accordance with the details as shown in the approved indicative masterplan drawing : 01-02- 001d.
- 9) No development shall take place on any phase of development until:
  - A) An archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing that relates to the corresponding phase. The scheme shall include an assessment of significance and research questions; and:
    - 1) The programme and methodology of site investigation and recording;
    - 2) The programme for post investigation assessment;
    - 3) Provision to be made for analysis of the site investigation and recording;
    - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
    - 5) Provision to be made for archive deposition of the analysis and records of the site investigation and;



- 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

B) The development shall be carried out in accordance with the written scheme of investigation, as approved under Part (A);

C) The development shall not be occupied until the agreed site investigation and post investigation assessment has been completed for the particular phase in accordance with the programme set out in the archaeological written scheme of investigation approved under Part (A), and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 10) Reasonable Avoidance Measures (RAMs) shall be implemented during the construction phase of the development to prevent harm to individual amphibians and reptiles, including great crested newts. Prior to the commencement of any work relating to the development (including site clearance), RAMs will be submitted to and approved in writing by the local planning authority.
- 11) Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage schemes and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall be constructed and completed in accordance with the approved details and prior to first occupation of any of the dwellings hereby approved.
- 12) Unless otherwise agreed in writing, the following details shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development on that phase of development hereby approved:

#### A Site Investigation

A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- 1) A survey of the extent, scale and nature of contamination;
- 2) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- 3) An appraisal of remedial options, and proposal of the preferred option(s).

#### B. Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

The above must be conducted in accordance with Defra and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.

- 13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the local planning authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the local planning authority.
- 14) No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the approved works have been carried out in accordance with the foul water strategy so approved.
- 15) No development above slab level shall commence on that phase of development until full details (in the form of scaled plans and/or written specifications) have been submitted to and approved in writing by the local planning authority to illustrate the following:
  - 1) Roads, footways and cycleways;
  - 2) Visibility splays;
  - 3) Access and parking arrangements.

The development shall be carried out in accordance with the approved plans and details.

- 16) Prior to the commencement of any works, a Construction Traffic Management Plan shall be submitted to and approved in writing with the local planning authority to address any abnormal wear and tear to the highway and the protection of the amenity of local residents, and shall contain:

- 1) A photographic condition survey of the roads, footways and verges leading to the site;
- 2) Details of construction access and associated traffic management to the site;
- 3) Arrangements for the loading, unloading and turning of delivery, construction and service vehicles clear of the highway;
- 4) Arrangements for the parking of contractors' vehicles;
- 5) Arrangements for wheel cleaning;
- 6) Arrangement for the storage areas;
- 7) Hours of work;
- 8) The control of dust and emission from construction;
- 9) The storage and re removal of excavation material;
- 10) Noise mitigation measures during construction and demolition;
- 11) Construction Traffic Access Route.

For the duration of the development, works shall be carried out in exact accordance with the approved Construction Traffic Management Plan and use only the approved Construction Traffic Access Route and no other local roads.

- 17) No development above slab level shall commence until a detailed scheme for improvements to the two closest bus stops and shelters on Brandon Road has been submitted to and approved in writing by the local planning authority. Prior to first occupation of any of the dwelling hereby approved, the works shall be carried out in accordance with the approved details.
- 18) Prior to the commencement of development a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include:
  - 1) Details of measures to encourage sustainable travel patterns;
  - 2) A scheme for the management and implementation of the Travel Plan;
  - 3) Targets for modal shift;
  - 4) Implementation timescales;
  - 5) A strategy for marketing and proposed incentives;
  - 6) Arrangements for monitoring and review.

The Travel Plan and any subsequent revisions to the Travel Plan as a result of monitoring and review shall be implemented as approved.

- 19) No development above slab level shall commence on any phase of development until a scheme has been submitted and approved by the local planning authority for the provision of the appropriate and necessary number of fire hydrants to serve that phase in a location (or locations) to be agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details

and completed prior to first occupation of any of any of the dwellings on that particular phase of development.

- 20) No development shall take place until a scheme for mitigating the effects of the development on wildlife and for biodiversity enhancements has been submitted to and approved in writing by the local planning authority. The scheme shall be undertaken in accordance with the recommendations of the Ecological Assessment (February 2015), Great Crested Newt Survey (September 2015), Habitats Regulations Assessment (April 2015) and Revised Habitats Regulations Assessment (produced and submitted in January 2016, but dated incorrectly as January 2015) and shall include a programme for implementation. The scheme shall be carried out as approved, in accordance with the approved programme, and shall be permanently retained for the lifetime of the development.
- 21) No trees or hedges shall be cut down, uprooted, destroyed, lopped or topped, unless any such works are subsequently approved at Reserved Matters stage or otherwise agreed in writing by the local planning authority. In the absence of such approval, any trees or hedges removed without consent shall be replaced during the next planting season with trees or hedges of such size and species as agreed in writing by the local planning authority.
- 22) The number of residential units included in any application for reserved matters shall be limited to a maximum of 177 dwellings.

## APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:		
Mr W Upton of Counsel	Instructed by the Head of Legal Services	
	He called	
	Ms M Kurihara MLPM MRTPI	Associate Planning Consultant, Urban Vision Partnership
	Dr D Liley BSc PhD CIEEM	Director, Footprint Ecology
	Ms R Hoskin BSc(Hons) MSc CIEEM	Senior Planning Ecologist, Footprint Ecology

FOR THE APPELLANTS:		
Mr J Barrett of Counsel	Instructed by Mr R Gee	
	He called	
	Mr A Davies MSc CMILT MIHT MAPM	Director, Development Transport Planning Consultancy
	Mr C Taylor BA(Hons) DipLa CMLI	Director, TPM Landscape
	Mr R Purser BA(Hons) BTP MRTPI	Associate Director, DPP Planning
	Dr A Kirby BSc(Hons) MSc PhD	Associate Director, Foster Wheeler Environmental and Infrastructure
	Mr R Gee BA(Hons) BPI	Roman Summer Associates

INTERESTED PERSONS:	
Cllr J Fountain	Watton Town Council
Cllr K Gilbert	Watton Town Council and Breckland District Council
Mr P Bunce	Local resident
Ms P Challand	Local resident
Mr J Rowling	Local resident
Mrs W Brown	'What Watton Wants'
Mr P Adcock	'What Watton Wants'
Ms M-A Wyley	Local resident
Mr B Jackson	Chairman, Saham Toney Parish Council
Mr A Adams	Local resident
Mr M J Peters	Local resident
Mrs J Jacklin	Local resident

## INQUIRY DOCUMENTS

1	Council's letter of notification and list of persons notified
2	Attendance lists
3	Statement by 'What Watton Wants'
4	Statement and appendices by Ms M-A Wiley
5	Documents handed in by Mr Rowling
6	Statement by Mrs Brown
7	Statement by Cllr Gilbert
8	Email trail (18 April 2016) with Natural England
9	Local Plan Working Group Report (16 June 2017)
10	Birds of Concern 4
11	Statement of Common Ground – Housing
12	Letter from Mr Rowling
13	Planning Obligation (15 June 2017)
14	RSPB plan
15	Settlement boundary plan (2005)
16	CIL Compliance Statement
17	Correspondence (16 June 2017) regarding draft HRA
18	Note of Local Plan Working Group (Doc 9)
19	Agreed wording re. RSPB surveys
20	Addendum to CIL Compliance Statement
21	Statement of Common Ground – Housing
22	Council's closing submissions
23	Appellants' closing submissions

## CORE DOCUMENTS

	<b>National</b>
A1	National Planning Policy Framework
A2	National Planning Practice Guidance (hard copy not provided)
A3	Design Manual for Roads and Bridges (hard copy not provided)
A4	Manual for Streets
A5	Manual for Streets 2
A6	IHIE Homezone Guidance
A7	Plan for Growth (March 2011)
A8	Laying the Foundations: A Housing Strategy for England (November 2011)
A9	Relevant Circulars and Ministerial Statements
A10	White Paper : Fixing Our Broken Housing Market (DCLG) (February 2017)
	<b>Case Law</b>
B1	Case No: Co/978/2016 - Forest Of Dean District Council - And - (1) Secretary Of State For Communities And Local Government And (2) Gladman Developments Limited (04/10/16)
B2	Case No: 2013 EWCA Civ 1610 City and District of St Albans and (1) Hunston Properties Ltd and (2) SSCLG (12/12/13)
B3	Case No: 2013 EWCH 2678 (Admin) Hunston Properties Ltd and (1) SSCLG and (2) St Albans City and District Council (5/9/13)
B4	<i>R (Morge) v Hampshire County Council</i> (heard on 19 January 2011)
B5	Richborough Estates Partnership LLP v Cheshire East Borough Council and Secretary of State for Communities and Local



	Government (C1/2015/0894)
B6	Supreme Court Judgement [2017] UKSC 37 <i>On appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)</i> Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)
B7	Wainhomes HCJ 2013 EWHC 597
	<b>Appeal Decisions &amp; Other Relevant Applications</b>
C1	APP/F2605/A/12/2172205/NWF (Land North of Cromwell Road, Weeting) and associated Report of Breckland's Assistant Director of Commissioning to Planning Committee (1st October 2012)
C2	Appeal Ref: APP/F2605/W/15/3140922 (approved April 2016) - Land West of Saham Road, Watton, Thetford, Norfolk IP25 6LA - 73 dwellings
C3	Appeal Ref. APP/F2605/W/15/3137812 Land at Thetford Road, Watton, Norfolk, IP25 6BS (approved April 2016) - up to 180 dwellings
C4	Appeal Ref: APP/F2605/W/15/3027972 Land south of Dereham Road, Mattishall, Norfolk
C5	Appeal Ref: APP/F2605/W/16/3156227 - Land at Westfield Road, Dereham
C6	Appeal Ref: APP/G1630/W/14/3001706 - Land adjacent to Cornerways, High St, Twyning, Tewkesbury
C7	Appeal Ref: APP/F2605/W/16/3143092 - Land at Attleborough Road, Great Ellingham, Breckland (September 2016)
C8	Appeal Ref: APP/G1630/W/14/3001706 - Land adjacent to Cornerways, High Street, Twyning, Tewkesbury GL20 6DE
C9	Droitwich Spa Appeal Decision (APP/H1840/A/13/2199085 and APP/H1840/A/13/2199426)
C10	Crewe Appeal (APP/R0660/A/13/2209335)
C11	Nantwich Appeal (APP/R0660/A/13/2197532 and APP/R0660/A/13/2197529)
C12	Leeds Appeal (APP/N4720/A/13/2200640)
C13	Test Valley Appeal Decision (APP/C/1760/A/14/2222867)
C14	Congleton Appeal (APP/R0660/A/13/2189733)
C15	Iron Acton Way Appeal (APP/P0119/A/12/2186546)
C16	Droitwich Decisions. Appeal By Barberry Droitwich Limited, Site At Land At Pulley Lane, Newland Road And Primsland Way, Droitwich Spa, (Wychavon Dc) Application Ref: W/11/01073/Ou; And Appeal By Persimmon Homes Limited And Prowting Projects Limited Site At Land North Of Pulley Lane And Newland Lane, Newland, Droitwich Spa, (Wychavon Dc) Application Ref: W/12/02336/Ou
	<b>Local Documents</b>
D1	Core Strategy & Development Control Policies (Adopted 2009)
D2	4 x Proposals Maps, namely : <ul style="list-style-type: none"> <li>• Breckland wide map</li> <li>• Watton map</li> <li>• Watton Town Centre Map</li> <li>• Map Key</li> </ul>
D3	Site Specific Policies and Proposals (Adopted Jan 2012)

D4	Preferred Directions Part 1
D5	Preferred Directions Part 2
D6	Issues and Options Consultation Document
D7	Central Norfolk Strategic Housing Market Assessment Part 1
D8	Central Norfolk Strategic Housing Market Assessment Part 2
D9	Local Service Centre Topic Paper
D10	Approach to Site Selection of Allocations
D11	Interim Infrastructure Position Statement
D12	HRA Scoping Report
D13	Strategic Housing Land Availability Assessment (SHLAA) 2015 Addendum
D14	5 Year Housing Land Supply Statement 2015 November 2016
D15	Strategic Housing Land Availability Assessment (SHLAA) 2014 (Including Appendix A, B & C)
D16	Strategic Housing Land Availability Assessment (SHLAA) 2014 Site Assessments (Appendix D)
D17	Strategic Housing Land Availability Assessment (SHLAA) 2014 Viability Assessment (Appendix E)
D18	Employment Growth Study & Land Review 2013
D19	Open Space Assessment
D20	Open Space Parish Schedule 2015 [A-C]
D21	Open Space Parish Schedule 2015 [D-G]
D22	Open Space Parish Schedule 2015 [H-M]
D23	Open Space Parish Schedule 2015 [N-S]
D24	Open Space Parish Schedule 2015 [T-Z]
D25	Norfolk & Suffolk Brecks Landscape Character Assessment 2013
D26	Further Assessment of the Relationship between Buildings and Stone Curlew Distribution
D27	Birds: The Effect of Housing Development and Roads on the Distribution of Stone Curlews in the Brecks
D28	Landscape Character Assessment
D29	Settlement Fringe Landscape Assessment
D30	Annual Monitoring Report 2015 2016
D31	Local Development Scheme (LDS) Fifth Revision
D32	CIL Preliminary Draft Charging Schedule
D33	CIL Viability Assessment
D34	CIL Draft List
D35	CIL Revenue & Gap Funding
D36	Preferred Site Options and Settlement Boundaries – Part 1 (September 2016)
D37	Preferred Site Options and Settlement Boundaries – Part 2 (September 2016)
D38	East Region Agricultural Land Classification Map (Natural England)
D39	Ward Member Infopack Watton Ward (May 2015)
D40	RSS - East of England Plan (May 2008)
D41	Investigation Of Nesting Site Selection And Distribution Of The Population Of Stone Curlew Around Thetford, Norfolk - For Shadwell Estates (February 2011)
D42	Draft Breckland Housing and Homelessness Strategy 2017-21

D43	EC Directive 79/409 on the Conservation of Wild Birds Special Protection Area (SPA)
D44	European Site Conservation Objectives for Breckland Special Protection Area Site Code: UK9009201
D45	Extracts of Representations to Emerging Local Plan (Reg 18) Consultations
D46	Thetford Area Action Plan, July 2012
D47	Attleborough Neighbourhood Plan
D48	Attleborough SUE Ptarmigan Stakeholder Consultation events (2016 & 2017)
D49	Attleborough SUE Ptarmigan EIA Scoping Opinion (9 June 2015)
D50	Attleborough SUE Natural England Scoping Opinion (27 April 2015)
D51	Thetford SUE Decision notice 3PL/011/0805/O (27 November 2015)
D52	Thetford SUE ES Addendum 2013
D53	Thetford SUE Committee Report 3PL/011/0805/O (4 April 2014)
D54	Breckland Draft Infrastructure Development Plan (January 2017)
D55	Attleborough Proposals Map (December 2009)
D56	CD Report On The Examination Into The Thetford Area Action Plan Development Plan Document
D57	Habitat Regulations Assessment: Breckland Council Submission Core Strategy and Development Control Policies Document (Durwyn Liley, Rachel Hoskin, John Underhill-Day & David Tyldesley)
D58	Building Development and Roads: Implications for the Distribution of Stone Curlews across the Brecks (Ralph T. Clarke, Durwyn Liley, Joanna M. Sharp, Rhys E. Green)
	<b>Determination Documents</b>
E1	Committee Report
E2	Supplementary Report (adjusting certain conditions of Committee Report)
E3	Decision Notice (Refusal)
E4	Minute of Committee Meeting
E5	Committee Report resulting in withdrawal of Reason 3 (19 September 2017)
	<b>Original Application Documents</b>
F1	Application Forms
F2	Application Covering Letter
F3	Planning Statement
F4	Design & Access Statement Part 1
F5	Design & Access Statement Part 2
F6	Transport Assessment
F7	Travel Plan Framework
F8	Ecological Assessment
F9	Flood Risk Assessment & Drainage Strategy 2015 Part 1
F10	Flood Risk Assessment & Drainage Strategy 2015 Part 2
F11	Phase 1 Geo-Environmental Part 1
F12	Phase 1 Geo-Environmental Part 2
F13	Phase 1 Geo-Environmental Part 3
F14	Archaeological Desk Based Assessment

F15	Proposed Site Plan
F16	Site Location Plan
F17	Arboricultural Constraints Report (Includes Trees TCP 1 & 2)
F18	Utility Report
	<b>Material submitted after application</b>
G1	Amended Flood Risk Assessment – May 2015
G2	Atmos Response Letters to Natural England – September & October 2015
G3	Geophysical Survey Report – May 2015
G4	Great Crested Newt Survey – September 2015
G5	Habitats Regulations Assessment – April 2015
G6	Revised Habitats Regulations Assessment – January 2016 ( <i>nb date incorrectly written as January 2015</i> )
G7	Revised Site Plan
	<b>Other Documents</b>
H1	Letter from Richard Gee to Watton Medical Practice (4 <sup>th</sup> July 2016)
H2	Response letter from Watton Medical Practice (26 <sup>th</sup> July 2016)
H3	Email from Richard Gee to NHS (15 <sup>th</sup> April 2017)
H4	Response Emails from NHS
H5	Clarke, R. & Liley, D. (2013) Further assessments of the relationship between buildings and stone curlew distribution. Unpublished report by Footprint Ecology for Breckland Council.
H6	Sharp, J., Clarke, R.T., Liley, D. & Green, R.E. (2008) The effect of housing development and roads on the distribution of stone curlew in the Brecks. Unpublished report, Footprint Ecology, Wareham, Dorset.
H7	Landscape Science Consultancy (2011) Investigation of nesting site selection and distribution of the population of stone curlew around Thetford, Norfolk.
H8	CD Stroud, D.A., Bainbridge, I.P., Maddock, A., Anthony, S., Baker, H., Buxton, N., Chambers, D., Enlander, I., Hearn, R.D., Jennings, K.R., Mavor, R., Whitehead, S. & Wilson, J.D. – on behalf of the UK SPA and Ramsar Scientific Working Group (eds.) 2016 The status of UK SPAs in the 2000s: the Third Network Review. JNCC. Peterborough (Stone Curlew extract only).
H9	Eaton, M.A., Brown, A.F., Noble, D.G., Musgrove, A.J., Hearn, R., Aebischer, N.J., Gibbons, D.W., Evans, A. & Gregory, R.D. (2009) Birds of Conservation Concern 3: the population status of birds in the United Kingdom, Channel Islands and Isle of Man (Summary publication only).
H10	Eaton, M.A., Aebischer, N.J., Brown, A.F., Hearn, R.D., Lock, L., Musgrove, A.J., Noble, D.G., Stroud, D.A. and Gregory, R.D. (2015) Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man (Summary publication only).
H11	Green, R. E., Tyler, G. A. & Bowden, C. G. R. (2000) Habitat selection, ranging behaviour and diet of the stone curlew ( <i>Burhinus oedicanus</i> ) in southern England. Journal of the Zoological Society of London 250, pages 161-183
H12	Henderson, I. (2013) Potential disturbance effects, nesting

	success and territory placement in stone curlews at Porton Down 2010 – 2012. BTO Research Report No. 633.
H13	Taylor, E. (2006) Stone curlews <i>Burhinus oedicephalus</i> and human disturbance: effects on behaviour, distribution and breeding success. Thesis submitted for the degree of Doctor of Philosophy at the University of Cambridge.
H14	Taylor, E., Green, R.E. & Perrins, J. (2007) Stone curlews <i>Burhinus oedicephalus</i> and recreational disturbance: developing a management tool for access. <i>Ibis</i> 149 (supplement 1) pages 37 – 44.
H15	Stroud, D.A., Chambers, D., Cook, S., Buxton, N., Fraser, B., Clement, P., Lewis, P., McLean, I., Baker, H. & Whitehead, S. (eds.). (2001). The UK SPA network: its scope and content. JNCC, Peterborough (Stone Curlew extract only).
H16	Cruickshanks, K. (2013) Visitor Route Analysis: Forestry Commission Ringwood Area. Forestry Commission/Natural England.
H17	Cruickshanks, K., Liley, D. & Hoskin, R. (2010) Suffolk Sandlings Visitor Survey Report. Footprint Ecology/Suffolk Wildlife Trust.
H18	EPR (2012) Whitehill & Borden Eco-town; Visitor Survey Report.
H19	Fearnley, H., Clarke, R.T. & Liley, D. (2010) The Solent Disturbance & Mitigation Project. Phase II – On-site visitor survey results from the Solent region. Solent Forum / Footprint Ecology.
H20	Fearnley, H. & Liley, D. (2013) Results of the 2012/13 visitor survey on the Thames Basin Heaths Special Protection Area. Natural England Commissioned Reports, Number 136.
H21	Fearnley, H. & Liley, D. (2011) North Kent Visitor Survey Results. Footprint Ecology.
H22	Fearnley, H., Liley, D. & Cruickshanks, K. (2010) Visitor Survey Results from Breckland SPA. Footprint Ecology.
H23	Liley, D., Floyd, L. & Fearnley, H. (2014) Burnham Beeches Visitor Survey. Footprint Ecology. Unpublished Report for the Corporation of London.
H24	Thomas, R.L., Baker, P.J. & Fellowes, M.D.E. (2014) Ranging characteristics of the domestic cat ( <i>Felis catus</i> ) in an urban environment. <i>Urban Ecosystems</i> 17. Pages 911 – 921.
H25	Lilith, M., Calver, M. & Garkaklis, M. (2008) Roaming habits of pet cats on the suburban fringe in Perth, Western Australia: what size buffer zone is needed to protect wildlife in reserves? Pages 65 – 72 of <i>Too close for comfort: contentious issues in Human-Wildlife encounters</i> (eds. Lunney, D., Munn, A. & Meikle, W. – Royal Zoological Society of New South Wales).
H26	Liley, D. & Hoskin, R. (2016) Habitat Regulations Assessment of the Breckland Local Plan Part 1 – Preferred Site Options and Settlement Boundaries. Footprint Ecology, unpublished report for Breckland Council.
H27	Warwick Local Plan - Inspector's Interim Views (1 June 2015)
H28	Cheshire West & Chester Local Plan - Inspectors Report
H29	Planning Advisory Service Guidance on Five Year Land Supply (July 2015)
H30	Urban Extensions: Assessment of Delivery Rates (2014) Savills

	report for Barratt Homes
H31	A Study in Respect of the Delivery of Urban Extensions (2013) Hourigan Connolly Report
	<b>Inquiry Documents</b>
I1	Statement of Common Ground (General)
I2	Ecological Statement of Common Ground
I3	S106 Unilateral Undertaking
I4	Proof and Appendices of Richard Gee (Planning Matters)
I5	Proof and Appendices of Richard Purser (Housing Land Supply)
I6	Proof and Appendices of Dr. Alan Kirby (Stone Curlew)
I7	Summary Proof of Dr. Alan Kirby
I8	Proof and Appendices of Carl Taylor (Landscape / Townscape Impacts)
I9	Proof and Appendices of Alan Davies (Transport)
I10	Summary Proof of Richard Purser
I11	CD Proof of Evidence on behalf of Breckland District Council - Rachel Hoskin (Footprint Ecology)
I12	Proof of Evidence on behalf of Breckland District Council - Dr Durwyn Liley (Footprint Ecology)
I13	Proof of Evidence on behalf of Breckland District Council - Melissa Kurihara
I14	Commission Note on Setting Conservation Objectives For Natura 2000 Sites
I15	Rebuttal Proof of Dr. Alan Kirby (Stone Curlews)
I16	Addendum to Proof of Evidence of Alan Davies (Transport)